

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ARA R. DAYIAN, M.D., BUCKNER
FAMILY MEDICAL ASSOCIATION, P.A.
D/B/A PATIENT'S CHOICE FAMILY
MEDICINE AND REHAB**

Plaintiff,

V.

**SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC. D/B/A SOUTHWEST
MEDICAL PROVIDER NETWORK**

Defendant.

§ § § § § § § § § § § § § § § §

CIVIL ACTION NO. 3:16-cv-845

**DEFENDANT SEDGWICK CLAIMS MANAGEMENT SERVICES, INC. D/B/A
SOUTHWEST MEDICAL PROVIDER NETWORK'S NOTICE OF REMOVAL**

Defendant Sedgwick Claims Management Services, Inc. d/b/a Southwest Medical
Provider Network ("Defendant" or "Sedgwick") files this Notice of Removal:

1. On February 15, 2016, Ara R. Dayian, M.D., Buckner Family medical Association, P.A. d/b/a Patient's Choice Family Medicine and Rehab ("Plaintiffs"), filed this lawsuit in Dallas County, Texas, naming Sedgwick as a defendant. The lawsuit alleges that Sedgwick breached a medical network provider agreement and seeks injunctive relief related to the same.

2. On March 2, 2016, Plaintiffs filed its Amended Original Petition and Emergency Application for Temporary Restraining Order and Temporary and Permanent Injunctive Relief.

3. Defendant Sedgwick files this notice of removal within thirty days of March 2, 2016. *See* 28 U.S.C. § 1446. This Notice of Removal is being filed within one year of the commencement of this action. *See id.*

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice, as required by 28 U.S.C. § 1446(a). All such documents are fully incorporated herein by reference and as if fully set forth herein.

5. A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff.

6. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Dallas County, Texas, the place where the removed action has been pending.

BASIS FOR REMOVAL

7. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a), 1441(a) and 1446.

8. Plaintiffs are a professional association whose principal place of business is in Dallas County, Texas. (Ex. C-1 ¶ 3,4.)

9. Defendant Sedgwick is a foreign, for-profit corporation that is incorporated in Illinois and whose principal place of business is in Memphis, Tennessee.

10. Plaintiffs' petition alleges that Defendant breached a medical network provider agreement and seeks injunctive relief related to the same.

11. Sedgwick is the only Defendant. Thus, no consent to removal from other defendants is required.

12. Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441.

CONCLUSION AND PRAYER

Accordingly, Defendant hereby removes this case to this Court for trial and determination.

Respectfully submitted,

WINSTEAD PC

By: /s/ Bruce R. Wilkin

Bruce R. Wilkin
State Bar No. 24053549
bwilkin@winstead.com
Justin K. Ratley
State Bar No. 24093011
jratley@winstead.com
1100 JPMorgan Chase Tower
600 Travis Street
Houston, Texas 77002
Telephone: 713.650.8400
Facsimile: 713.650.2400

**ATTORNEYS FOR DEFENDANT
SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC. D/B/A SOUTH WEST
MEDICAL PROVIDER NETWORK**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on all counsel of record via email and in accordance with the Texas Rules of Civil Procedure on this 25th day of March, 2016.

Lawrence J. Friedman
Jason H. Friedman
Friedman & Feiger, LLP
5301 Spring Valley Road, Suite 200
Dallas, TX 75254
Telephone: (972) 788-1400
Facsimile: (972) 788-2667
lfriedman@fflawoffice.com
jfriedman@fflawoffice.com

Via Email

/s/ Bruce R. Wilkin
Bruce R. Wilkin